

## REMARKS

A final Office Action was mailed on April 23, 2003. Claims 1 – 16 are pending in the present application. With this Response, Applicants amend claims 9, 10, 14 and 15. No new matter is introduced.

### ACKNOWLEDGEMENT OF CERTIFIED COPY OF PRIORITY DOCUMENT

On information and belief, Applicants filed a priority claim and certified copy of the priority document (Japanese patent application no. 11-195474) for the present application mailed on March 29, 2000 to the U.S. Patent & Trademark Office. In an Office Action of April 23, 2003, no acknowledgement was provided as to receipt of the priority claim and receipt of the certified copy of the priority document. In a Response of August 22, 2003, Applicants requested that a supplemental Office communication be issued formally providing this acknowledgement. On information and belief, no supplemental communication was received by Applicants. In addition, the present Office Action provides no acknowledgement of the priority claim and receipt of the certified priority document. Therefore, Applicants once more respectfully request that a supplemental Office communication be issued formally providing this acknowledgement. If the Examiner is unable to comply with this request, he is urged to contact Applicant's representative at the telephone number listed below.

### ACCEPTANCE OF DRAWING CHANGES

In the Response of August 22, 2003, Applicants proposed drawing changes to FIGs. 1, 2 and 5 in both marked-up and clean versions. The present Office Action

provides no acknowledgement of acceptance of the changes. Accordingly, Applicants respectfully request acknowledgement of the Examiner's approval of the proposed changes.

#### ALLOWABLE CLAIMS

Applicants thank the Examiner for indicating that claim 16 is currently allowed.

#### OBJECTED CLAIMS

Claims 9 and 14 are objected to for failing to define the term "W". Claims 10 and 15 are objected to for failing to define the term "Nmax". Applicants amend claims 9 and 14 to define W as denoting a "threshold value", and amend claims 10 and 15 to define Nmax as denoting a "maximum noise level". Accordingly, Applicants respectfully request that the objections be withdrawn.

Claims 9 – 11 are objected to as being dependent on rejected base claim 7. For the reasons cited below, Applicants respectfully submit that claim 7 is allowable.

Applicants further thank the Examiner for indicating that that claims 9, 10, 11, 14 and 15 would be allowable if rewritten to overcome these objections, and respectfully submit for the reasons cited that claims amended 9, 10, 11, 14 and 15 stand in condition for allowance.

#### REJECTION UNDER 35 U.S.C. §§ 102, 103

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,477,238 to Schneider et al. in view of U.S. Patent No. 6,515,967 to Wei et al. Claims 1 – 6, 8, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of Schneider and Wei. Applicants and respectfully traverse these rejections.

In a Response of August 22, 2003, Applicants made the following arguments:

In independent claims 1, 4 and 7, Applicants disclose a transmission apparatus, system and method for monitoring a quality of an order wire line that couples a plurality of transmission apparatuses. Monitoring is controlled from a remote monitoring control terminal.

As described in amended claim 7, Applicants' claimed method includes the steps of: a) remotely specifying, from the monitoring control terminal, a transmission apparatus which is to transmit test data as a specified transmitting apparatus, and a transmission apparatus which is to receive test data as a specified receiving apparatus, b) transmitting the test data from the specified transmitting apparatus to the order wire line in response to a start of a test instructed from the monitoring control terminal, c) receiving and temporarily storing the test data in the specified receiving apparatus, d) transmitting from the specified receiving apparatus to the monitoring control terminal via the specified transmitting apparatus one of the stored received test data, analyzed data of the received test data, and judgment data indicative of a judgment result of a comparison of the analyzed data and threshold values, after a predetermined time or at a specified time, and e) monitoring, in the monitoring control terminal, the quality of the order wire line between the specified transmitting apparatus and the specified receiving apparatus.

Schneider discloses a loop verification system for an ADSL communication system which provides for monitoring quality of a line under test 300 via test units 165, 265. Unlike Applicants' claimed method, however, Schneider fails to disclose or suggest remotely monitoring in a monitoring control terminal, the quality of the order wire line between a specified transmitting apparatus and a specified receiving apparatus. Accordingly, Applicants respectfully submit that independent claim 7 is not anticipated by Schneider, and therefore stands in condition for allowance.

In independent claims 1 and 4, Applicants disclose a transmission apparatus including a multiplexing and demultiplexing section and an order wire section having a codec section, a branching and combining section, a 2-wire/4-wire converter and a monitoring processor including an order wire monitoring controller. The order wire monitoring controller is remotely controllable in response to instruction from a monitoring control terminal to control transmission of test data stored in a storage section to an order wire line, to control storage of test data received via the order wire line to the storage section, and to control transmission and reception of one of received test data, analyzed data of the received test data, and judgment data indicative of a judgment result of a comparison of the analyzed data and threshold values.

AAPA discloses a transmission apparatus including a multiplexing and demultiplexing section and an order wire section having a codec section, a branching and combining section, a 2-wire/4-wire converter (see, e.g., Applicants' FIG. 2). The Examiner acknowledges that AAPA fails to disclose or suggest Applicants' claimed monitoring processor including an order wire monitoring controller, and cites Schneider for teaching these missing elements. However, as described above, Schneider fails to suggest or disclose Applicants' claimed order wire controller operating in response to an instruction received from a monitoring control terminal.

Accordingly, Applicants respectfully submit that independent claims 1 and 4 are not made obvious by the combination of AAPA and Schneider, and therefore stand in condition for allowance.

The Examiner suggests that limitations missing from the combination of AAPA and Schneider are taught by Wei.

Wei discloses a method and apparatus for detecting faults in routing devices in a computer network that supports multicast routing (see, e.g., abstract of Wei). As illustrated in FIG. 2 of Wei, a multicast routing monitor (MRM) manager 203 configures a first MRM tester 113 as a test receiver that receives test data packets transmitted to the first MRM test by a second MRM tester 115 configured as a test sender (see, e.g., column 5, line 55 – column 6, line 65 of Wei). Test receivers are configured to send fault reports to the MEM manager 203 (see, e.g., column 6, lines 58 – 60).

In sharp contrast, Applicants' invention, for example as defined in independent claim 7, requires that the monitoring control terminal causes the specified receiving apparatus to transmit to the monitoring control terminal via the specified transmitting apparatus one of the stored received test data, analyzed data of the received test data, and judgment data indicative of a judgment result of a comparison of the analyzed data and threshold values, after a predetermined time or at a specified time. Thus, Applicants' approach provides added flexibility in test configuration over the device of Wei. This difference also applies with respect to Applicants' independent claims 1, 4, 12 and 13. In addition, with respect to independent claims 12 and 13, Wei fails to teach an order wire

monitoring controller that stores audio data in a storage section as the received test data, and controls a loop-back transmission of the audio data stored in the storage section to a transmitting source, in response to a lapse of a predetermined time or a transmission instruction. Accordingly, Applicants respectfully submit that independent claims 1, 4, 7, 12 and 13 are allowable.

As claims 2, 3, 5 6, and 8 respectively depend from allowable claims 1, 4 and 7, Applicants respectfully submit that claims 2, 3, 5 6, and 8 are allowable for at least this reason.

### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that 1 - 16, which include independent claims 1, 4, 7, 12 - 14 and 16, and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,



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